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January 31, 2012

VIA E-MAIL AND U.S. MAIL

Michael Mintzer
Assistant Regional Counsel
Office of Regional Counsel
United States Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

**Re: Newtown Creek Superfund Site
Response to Request for Information Pursuant to 42 U.S.C. § 9604(e)**

Dear Michael:

Following up on our previous communications and yesterday's telephone discussion, enclosed is the initial response ("Response") of Waste Management of New York, LLC ("WMNY") to EPA's October 25, 2011 104(e) Request for Information ("RFI"). As we discussed yesterday, the RFI seeks a significant amount of information regarding multiple parcels. The Response focuses primarily on identifying the parcels that upon information and belief fall within the scope of the RFI, and addressing discrepancies regarding applicable addresses and block/lot numbers.

WMNY continues its good faith efforts to respond to the RFI, and will be providing supplemental responses on a rolling basis as its investigation continues. It is anticipated that the next supplement will be submitted by April 16, 2012.



Fox Rothschild LLP
ATTORNEYS AT LAW

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Please contact me if you have any questions.

Very truly yours,

Sharon Oras Morgan

ENCLOSURE

Response of Waste Management of New York, LLC to the U.S. Environmental Protection Agency's Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675 ("CERCLA"), Pertaining to the Newtown Creek Superfund Site, Kings County and Queens County, New York

Subject to the Objections as noted below¹, and without waiving these or other available objections, Waste Management of New York, LLC ("WMNY") submits the following in response to the Section 104(e) Request for Information ("RFI") of the U.S. Environmental Protection Agency ("EPA") pertaining to the Newtown Creek Superfund Site.

I. PRELIMINARY STATEMENT

The RFI requests WMNY to i) prepare separate responses for each of the nine (9) "Facilities" identified in Definition number 9(a), and ii) provide information on each "Other Newtown Creek Property" (as that term is defined in Definition number 9(b)). Inconsistencies in certain of the property descriptions set forth in Definition 9(a) and public records, in combination with the scope of the RFI pertaining to the Facilities and Other Newtown Creek Property, have resulted in a significant, time-consuming exercise of determining which parcels may or may not fall within the scope of the RFI.

WMNY's response to RFI No. 3 below identifies, subject to the Objections set forth herein, the parcels believed, as of this date, to have been owned, occupied by, or otherwise subject to an interest of the Company. WMNY reserves the right to amend and/or supplement this response as its investigation continues and additional information becomes available. Additionally, given the broad scope of the RFI and the number of parcels identified in response to RFI No. 3, WMNY will need additional time to respond completely to the RFI in accordance with 42 U.S.C. § 9604 and applicable regulations, and subject to the Objections set forth below. WMNY expects to provide additional responses on a rolling basis, with the next response to be submitted on or before April 16, 2012.

Notwithstanding the foregoing, WMNY denies any liability pertaining to the "Site" as that term is defined in Definition No. 2. Nothing in this response should be construed as an admission or a waiver by WMNY or any other entity of any available rights, defenses, or claims, all of which are expressly reserved herein.

II. GENERAL OBJECTIONS

WMNY asserts the following general privileges, protections, and objections with respect to the RFI and each information request therein.

1. WMNY asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney

¹ General Objections, as defined below, and specific objections made in response to any RFI shall hereinafter be collectively referred to as "Objections".

work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, and any other privilege or protection available to it under law.

2. WMNY asserts that the information being provided herein is confidential business information within the meaning of 40 C.F.R. § 2.203(b), and is therefore subject to the protections set forth in 40 C.F.R. Part 2, Subpart B. WMNY objects to the RFI to the extent it seeks the disclosure of information subject to, and which would be in violation of, confidentiality agreements.

3. WMNY objects to Direction No. 4 as being overbroad, unduly burdensome, and unreasonable. Notwithstanding and without waiving this objection, WMNY has undertaken a diligent and good faith effort to respond fully and accurately to all applicable questions, including but not limited to consulting with individuals most likely to have knowledge of the matter to which the question pertains.

4. WMNY objects to Direction No. 6 as being unduly burdensome and unreasonable. The RFI is lengthy and seeks a significant amount of information pertaining to several parcels. It is neither practical nor reasonable to expect WMNY to identify all sources of information for each question. Further, EPA lacks the authority to require WMNY to identify information outside of its possession, custody, or control.

5. WMNY objects to Direction No. 8 as being unduly burdensome, overbroad, and unreasonable. The RFI is unduly broad in nature, scope, and timeframe. It is not possible to identify all individuals who are able to provide details or documentation in response to any question. Notwithstanding and without waiving this objection, WMNY is undertaking a diligent and good faith effort to obtain all information from current employees and all information within its possession, custody, or control.

6. WMNY objects to Direction No. 9 as being unduly burdensome, overbroad, and unreasonable. It is not possible to determine the unavailability of documents in existence that may be responsive to the RFI, nor is it possible to identify the contents and recipients of such unavailable documents. WMNY disclaims any responsibility to search for, locate, and/or provide copies of any documents known by WMNY to exist but not within WMNY's possession, custody, or control.

7. WMNY objects to Direction No. 10 to the extent it seeks information that is privileged, work product, or subject to confidentiality agreements or provisions that preclude disclosure of such information.

8. WMNY objects to Direction No. 1, 7, and 11 as being unduly burdensome and unreasonable, as well as being confusing, redundant, and/or contradictory. Regardless of whether EPA is requesting WMNY to provide complete, detailed, precise, and/or specific responses, WMNY states it is undertaking diligent efforts in good faith to respond to the RFI in accordance with the applicable statutory provisions.

9. WMNY objects to Direction No. 12 to the extent it seeks information out of WMNY's possession, custody, or control and to the extent it seeks home addresses.
10. WMNY objects to Direction No. 15 to the extent it is outside the scope of CERCLA and 40 C.F.R. 2.203(b).
11. WMNY objects to the definition of "Site" as being overbroad and undefined, in that the definition does not identify the source areas or areas of release.
12. WMNY objects to the definition of "industrial waste" as being overbroad and unduly vague.
13. WMNY objects to the definition of "Company" as being overbroad, unreasonable and unauthorized to the extent it is directed to entities other than WMNY, and in being vague in failing to define the terms "constituent" and "affiliate".
14. WMNY objects to the definition of "identify" to the extent it encompasses home addresses of natural persons. Subject to this objection, current employees and any other natural persons are identified by name and corporate address. WMNY requests that any contacts with its employees identified in these responses or documents provided be initiated through Sharon Oras Morgan, Esquire of Fox Rothschild LLP.
15. WMNY objects generally to the RFI to the extent it is overbroad and directed to entities other than WMNY, and as being unauthorized by law to the extent it is overbroad, unreasonable, unduly burdensome, and not authorized by the provisions of CERCLA or other applicable authority.

REQUEST FOR INFORMATION

Section 1.0 Company Information

1. Company Identification: *Provide the following information with respect to the Company.*
 - a. *The full legal, corporate name and mailing address.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague to the extent that it seeks confidential business information. Subject to and without waiving its Objections, the full and correct name of the recipient of the RFI is Waste Management of New York, LLC. Addresses for mailing and service of process are set forth in section (b) below.

- b. *The state and date of incorporation, the date of qualification to do business in the State of New York, and the agents for service of process in the state of incorporation and in New York State.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague and to the extent that it seeks confidential business information. Subject to and without waiving its Objections, WMNY is a Delaware limited liability company incorporated on January 27, 1998, qualified to do business in the State of New York on February 4, 1998. The Registered Agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The Registered Agent in New York State is CT Corporation System, 111 Eighth Avenue, New York, NY 10011. The address to which process will be mailed if accepted is to the attention of Legal Department, 1001 Fannin Suite 4000, Houston, TX 77002.

- c. *The Chief Executive Officer or other presiding officer of the entity and the mailing address of that officer.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overly broad and unduly vague and to the extent that it seeks confidential business information. Subject to and without waiving its Objections, Waste Management of New York, LLC is a Delaware limited liability company incorporated on January 27, 1998, qualified to do business in New York. The Registered Agent in Delaware is The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801. The Registered Agent in New York State is CT Corporation System, 111 Eighth Avenue, New York, NY 10011. The address to which process will be mailed if accepted is to the attention of Legal Department, 1001 Fannin Suite 4000, Houston, TX 77002.

- d. *If the Company is a successor by merger, acquisition or other activity to any other entity, identify each such entity and describe the nature of the succession. Please provide purchase and sale documents that related to such merger, acquisition or other activity including any indemnities associated with such activity.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of CERCLA, and as seeking confidential business information.

- e. *If the Company is a subsidiary, division, branch or affiliate of another corporation or other entity, identify each of those other entities and those entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity identified in your response to this question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information.

- f. *Please identify the relationship of the Company to each of the following entities:*
- i. *B.Q.E. Services, Inc.;*
 - ii. *Star Recycling, Inc.;*
 - iii. *Allied Sanitation, Inc.;*
 - iv. *Rendering Company of America, Inc. (RENCOA);*
 - v. *NY Acquisition Sub, Inc.;*
 - vi. *Waste Management, Inc.;*
 - vii. *Waste Management National Services, Inc.;*
 - viii. *Waste Management Disposal Services of New York, Inc.;*
 - ix. *Waste Management of New York City, Inc.;*
 - x. *Waste Management of Varick Avenue, Inc.;*
 - xi. *Waste Management of New York, Inc.;*
 - xii. *Waste Management of New Jersey, Inc.;*
 - xiii. *Waste Management, LLC.;*
 - xiv. *Veolia Es Industrial Services, Inc.; and*
 - xv. *BFI Waste Services.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. By way of further response, WMNY reserves the right to amend and/or supplement this response as its investigation continues and to the extent relevant and within the scope of 42 U.S.C. § 9604(e).

2. *Future EPA Communications: If the addressee of this letter requests that future communications from EPA regarding the Site be sent to a particular individual or office, provide the name, address, telephone number, e-mail address and capacity of such individual or office.*

RESPONSE:

Future communications should be sent to counsel for WMNY, whose contact information is as follows:

Sharon Oras Morgan, Esquire
Fox Rothschild, LLP
919 North Market Street, Suite 1300
Wilmington, DE 19899
(302) 622-4246
smorgan@foxrothschild.com

Section 2.0 Owner/Operator Information

3. *Separately provide a brief summary of the Company's relationship to each Facility (see Definition number 9.a for "Facility") and each Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), including the following. Please see Direction number 5 which requires that the Company respond to the Requests for Information separately for each of the Facilities as though each Facility was the subject of a separate Request for Information.*
- a. *Nature of the Company's interest in the Facility and each Other Newtown Creek Property;*
 - b. *Corporate identity of any entity affiliated with the Company that holds or held such interest;*
 - c. *Address, Borough, Block and Tax Lot Identification and map or schematic locating the Facility and each Other Newtown Creek Property;*
 - d. *Dates of acquisition and date of disposition of interest and identity of transferor and transferee;*
 - e. *Dates of operation and date of cessation of operation and identity of lessor, licensor or other person with paramount interest (e.g., property owner, prime leaseholder);*
 - f. *The principal business and each other line of business conducted by the Company at the Facility and at each Other Newtown Creek Property; and*
 - g. *Provide a copy of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, licenses, purchase and sale agreements, partnership agreements, etc.).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking confidential business information. Subject to and without waiving its Objections, as to each Facility and as to Other Newtown Creek Properties, WMNY responds below. WMNY anticipates providing additional information in separate responses for each of the facilities as its investigation continues, and reserves

the right to amend and/or supplement this response as additional information becomes available.

Facilities:

i. 123 Varick Avenue, Brooklyn, New York (Block 2974, Lot 51): Parcel is owned by WMNY and is operated as a non-putrescible solid waste transfer station, equipment repair facility, and office.

ii. 72 Scott Avenue, Brooklyn, New York: After reasonable investigation and upon information and belief, the Company has not now, nor has it ever held, an interest in this parcel.

iii. 58 Townsend Street, Brooklyn, New York: This property address is identified as Block 2802, Lot 11 (not Lot 51) on the NYC Tax Map. Title is held in the name of WMNY. The parcel is operated as a putrescible and recycling transfer station.

iv. 222 Morgan Street, Brooklyn, New York (Block 2942, Lot 1): After reasonable investigation and upon information and belief, the Company never occupied or conducted any operations on this parcel.

v. 232 Gardner Street, Brooklyn, New York (Block 2948, Lot 12): After reasonable investigation and upon information and belief, this parcel was owned by WMNY and used for clean wood processing and grinding. The parcel was transferred from WMNY to 1256 Grand Street, LLC on or about January 19, 2005.

vi. 13-01 (a/k/a 1301) Metropolitan Avenue, Brooklyn, New York: This property address is identified as Block 2948, Lot 85 (not Block 2355, Lot 1) on the NYC Tax Map. After reasonable investigation and upon information and belief, the Company has not now, nor has it ever held, an interest in property known as Block 2355, Lot 1, or in property known as 13-01 (or 1301) Metropolitan Avenue, Block 2948, Lot 85.

vii. 485 Scott Avenue, Brooklyn, New York (Block 2802, Lot 14): This parcel is owned by WMNY and is operated as part of a putrescible and recycling transfer station.

viii. 75 Thomas Street, Brooklyn, New York (Block 2799, Lot 1): This parcel is owned by WMNY and is operated as an outdoor clean wood processing facility.

ix. 38-50 Railroad (Review) Avenue, n/k/a 38-22 Review Avenue, Queens, New York (Block 312, Lots 287, 300, 308 and 1367): All four parcels are

owned by WMNY. Operations on Block 312, Lot 300 include a one-story building putrescible transfer station.²

Other Newtown Creek Properties

a. 101 (a/k/a 81) Varick Avenue, Brooklyn, New York (Block 2974, Lot 115): This property was subdivided by WMNY in approximately 2009 to become 101 Varick Avenue (Block 2974, Lot 113) and 469 Johnson Avenue (Block 2974, Lot 112). 101 Varick Avenue is the location of a warehouse, a three-story office building, and a paved lot, which have been vacant since approximately 2008. Prior uses included a parking lot, and dispatch and sales offices.

b. 469 Johnson Avenue, Brooklyn, New York (Block 2974, Lot 112): This parcel is owned by WMNY and is operated as an Intermodal Rail Yard.

c. Block 2974, Lot 105, Brooklyn, New York: Upon information and belief, this parcel is owned by the City of New York. WMNY has an agreement in place to utilize this parcel as part of its intermodal rail operations.

d. 161 Varick Avenue, Brooklyn, New York (Block 2968, Lots 1 and 20): This parcel was condemned by the City of New York by Order entered in 2000. WMNY utilizes a small portion of this parcel by agreement as part of transfer station operations at 123 Varick Avenue.

e. 161 Varick Avenue, Brooklyn, New York (Block 2962, Lots 1 and 5): This parcel was condemned by the City of New York by Order entered in September of 2000. WMNY utilizes a portion of parcel as paved access, but has never held an ownership interest.

f. 175 Varick Avenue, Brooklyn, New York:

i. Block 2962, Lot 11 – This parcel is owned by WMNY and is an improved lot used to store empty containers by Five Star Carting.

ii. Block 2962, Lot 15 (formerly part of Lot 11) – City of New York took title to this parcel on December 8, 2011.

iii. Demapped Scholes Street, Brooklyn, New York (Block 2962, Lot 50) – WMNY owns and utilizes this parcel as an access road.

g. 215 Varick Avenue, Brooklyn, New York (Block 2950, Lots 1, 7, 20 and 44): This parcel is owned by WMNY and operated as a putrescible transfer station.

² WMNY also holds access rights on a neighboring parcel known as Tax Map ID number 309.

h. 221 Varick Avenue, Brooklyn, New York (Block 2943, Lot 1): This parcel is owned by WMNY and is used as a paved lot and driveway.

i. 497 Scott Avenue, Brooklyn, New York (Block 2798, Lots 1 and 30): This parcel appears on the NYC Tax Map as 61-65 Townsend Street. It is owned by WMNY. An office building and a parking lot are located on Lot 30; Lot 1 has been vacant since 2005, but at one time was used to store commercial recyclables.

j. 548 Gardner Avenue, Brooklyn, New York (Block 2802, Lot 1): This parcel is owned by WMNY, and is used as a driveway access to 58 Townsend Street.

k. Block 2803, Lot 7, Brooklyn, New York: This parcel is owned by WMNY, and is part of 75 Thomas Street facility. A scale house and an office building are located on this parcel.

l. Block 2802, Lot 10, Brooklyn, New York: This parcel is owned by WMNY and is part of the 485 Scott Avenue transfer station.

m. Block 2803, Lots 14 and 25 and 473 Scott Avenue, Block 2808, Lot 25, Brooklyn, New York: These parcels were condemned by New York State Department of Transportation in 2011. All parcels were previously used for parking lots. Block 2808, Lot 25 stored recyclables at one time.

n. 530 Gardner Avenue, Brooklyn, New York (Block 2808, Lot 1): Upon information and belief, WMNY leased this parcel and vacated in 1997.

o. 470 Scott Avenue, Brooklyn, New York (Block 2809, Lot 1): Upon information and belief WMNY held a short-term sublease on this parcel from March 1–31, 1996, but never held an ownership interest.

p. 1281 Metropolitan Avenue, Brooklyn, New York (Block 2948, Lot 1): Upon information and belief, this parcel was acquired in 1998, and sold to John and Michael Breslin in 2002.

q. 220 Gardner Avenue, Brooklyn, New York (Block 2948, Lot 8): Upon information and belief, this parcel was acquired in 1998, and sold to John and Michael Breslin in 2002.

r. 1256-1356 Grand Street, Brooklyn, New York (Block 2948, Lots 13, 17 and 35)³: Upon information and belief this property was acquired in or about 1997, and sold on or about December 9, 2004 to 1256 Grand Street LLC.

³ As part of this transaction a separate, unnamed parcel, identified only as Block 1248, Lot 13 (portion) was also conveyed to 1256 Grand Street LLC by a separate quitclaim deed.

4. *Identify all entities who concurrently with the Company exercise or exercised actual control or who held significant authority to control activities at the Facility, including:*

a. *Lessees, sublessees, partners, joint venturers or holders of easements;.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

b. *Contractors, subcontractors, licensees or licensors that exercised control over any materials handling, storage, or disposal activity;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

c. *Pipelines providing delivery of materials to, distribution within or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

d. *Railroads or rail lines providing delivery of materials to or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *Truckers providing delivery of materials to or shipment from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. *Barge service companies providing delivery of materials to or shipment from the Facility; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. *Any other person with activities and/or easements regarding the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

5. *Identify all current or prior owners that you are aware of for the Facility. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:*

- a. *the dates of ownership and operations conducted at such times;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. any corporate or real estate affiliation between the Company and each such prior owner; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior owners owned the Facility with such details as you are aware of.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 6. Identify all current or prior operators that you are aware of for the Facility. For each such operator, further identify, if known, and provide copies of any documents you may have regarding:*

- a. the dates of operation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to

amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. any corporate or real estate affiliation between the Company and each such prior operator, including, without limitation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. the nature of the operations at such times; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. release of hazardous substances, industrial waste, other waste including petroleum, at the Facility during the period that the prior operators were operating the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

7. Litigation and Administrative Activity:

- a. Has the Company or an affiliate been a party to any litigation, whether as plaintiff or defendant, where an allegation included liability for contamination of or from the Facility, any Other Newtown Creek Property or any other facility within 1,000 feet of Newtown Creek (whether or not owned or operated by the Company)? If yes, identify such litigation and its*

disposition, briefly describe the nature of the Company's involvement in the litigation and provide a copy of the pleadings and any final order.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking information outside its possession, custody, and control, and as seeking confidential and privileged information. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. Has the Company or an affiliate been identified by the U.S. Environmental Protection Agency or by any New York State or New York City agency as a party responsible for environmental contamination with respect to a facility located within 1,000 feet of Newtown Creek? If yes, state the Company's understanding of the basis for such notice of responsibility and provide a copy of any correspondence, orders or agreements between the Company and the governmental agency.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), as seeking information outside its possession, custody, and control, and as seeking confidential and privileged information. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 8. Ownership of Newtown Creek: At the present time or at any past time, has the Company or any affiliate:*
- a. Owned any portion of Newtown Creek or wetlands associated with Newtown Creek?*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. Asserted control or exclusive rights to use any area of Newtown Creek or wetlands associated with Newtown Creek, for any purpose including,*

without limitation, dredging, filling, construction, maintenance or repair of any facility located in the waters, the associated wetlands or sediments, including, by way of example, bulkheads, rip rap, pipes, wharfs, piers, docking, loading or unloading facilities, cranes or over-water facilities.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *If the answer to either subparagraph "a" or "b" of this paragraph is yes, please identify the areas owned or controlled, or over which the company has a right to use, provide an explanation of how and from whom the Company acquired such ownership or control, provide a copy of all title documents, leases, permits or other instruments where such right was derived, and describe all activities conducted pursuant thereto.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

9. *Operations In, Under or Over the Waters or On the Sediments of Newtown Creek:*

- a. *Describe all activities at the Facility that were conducted over, on, under, or adjacent to, Newtown Creek. Include in your description whether the activity involved hazardous substances, industrial waste, petroleum or other waste materials and whether any materials were ever discharged, spilled, disposed of, dropped, or otherwise came to be located in Newtown Creek.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *Has the Company, or any affiliate, at any time, constructed or operated any facility in or over the waters or on the sediments of Newtown Creek, including any bulkheads, rip-rap, pipes wharfs, piers, docking, loading or unloading facilities, containment booms, cranes or other on-water or over-water facilities.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *Has the Company, or any affiliate, at any time constructed, operated or utilized any facility under the waters or sediments of Newtown Creek, including without limitation pipes, pipelines, or other underwater or under sediment facilities.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *If the answer to subparagraph "b" or "c" of this paragraph is yes, please provide details including the facilities constructed or operated, the dates of such construction, replacement or major modification, whether there were discharges into the waters of Newtown Creek associated with construction or maintenance of such facilities, all permits associated with the construction or operation and the nature of the Company's authorization to construct or maintain such facilities in Newtown Creek including from whom the operating rights were obtained, and provide copies of relevant deeds, leases, licenses and permits.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to

amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *Provide a summary of over-water activities conducted at the Facility, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, cleaning, maintenance, or repair.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. *Utilized barges, tankers or other ships in any operations on Newtown Creek and, if so, provide details. With respect to barge, tanker and shipping operations,*
 - i. *Identify all products and raw materials transferred to or from barges, tanks and ships and the dates of such operations;*
 - ii. *Describe the method of transfer to and from barges or other ships during all periods of such activities;*
 - iii. *Identify the types of barges or ships utilized and the depth of the water where barges or ships were moored;*
 - iv. *Describe barge, tanker or other ship cleaning operations, if any, including the cleaning methods that were used, how cleaning waste was handled; and*
 - v. *Describe spill prevention controls that were utilized in delivery or pick-up of materials.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. *State whether any of the operations required to be identified above resulted in disposal or spillage of any materials into Newtown Creek or the re-suspension of any sediments of Newtown Creek. If the answer is a "yes"*

please provide details and documentation of such events.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

10. *Identify each and every Other Newtown Creek Property (see Definition number 9.b for "Other Newtown Creek Property"), that your Company presently or previously owns (or owned), leases (or leased), manages (or managed), operates (or operated), controls (or controlled), or otherwise has or had rights to use, manage or operate, within the area extending one-thousand feet from the shoreline of Newtown Creek (Definition number 1 above defines "Newtown Creek" to include all tributaries or branches of Newtown Creek).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further, see Response to RFI No. 3 above.

Section 3.0 Description of the Facility

11. *Provide the following information for the Facility, including a description responsive to each question and depictions by map, drawing, survey or otherwise:*
- a. *Address and borough, block and lot;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, see Response to RFI No. 3 above.

- b. *historic photographs, including without limitation, aerial photographs,*

photographs showing construction, industrial or commercial processes, sanitary and storm sewer systems, outfalls, indoor and outdoor storage of materials or products, and photographs during construction;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *all surveys and drawings of the Facility in your possession showing current configurations and improvements as well as previous configurations and improvements;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *sanitary sewer system information, including drawings, sewer easements, surveys or maps showing location and configuration both as currently configured and previous configurations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *storm water sewer system information, including drawings, surveys or maps showing location and configuration both as currently configured and previous configurations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. *all below-ground structures, including, pipes, pipelines, sumps, wells, dry-wells and other structures for storage or conveyance of solid, gaseous or liquid materials, whether above ground or below ground , and whether owned or operated by you or by another, and as presently configured and as previously configured;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. *all above-ground structures, including buildings and including all facilities for storage or transport of solid, liquid or gaseous materials, whether owned or operated by you or by another, and as presently configured and as previously configured;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- h. *all over-water or in-water facilities (e.g., piers, docks, cranes, bulkheads, pipes, treatment facilities, containment booms, etc.),*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- i. *all treatment or control devices for all media and pursuant to all environmental laws and regulations (e.g., surface water, air, groundwater, hazardous waste, solid waste, etc.);*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- j. *groundwater wells, including drilling logs; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- k. *information related to any other outfalls, ditches, direct discharge facilities or other conveyance features and any discharges associated therewith.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 12. *For all items identified in subparagraphs e, f, g, h, i, j, or k, locate each such item on a Facility map or plan, provide the date of installation, identify all permits associated with each item, state whether such items are still in service or, if not, when they were removed from service, identify all leaks or spills, if any, associated with each, and identify any closure of any such item.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

13. *For each permit identify the type of permit, the agency or governmental authority issuing the permit and provide a copy of the permit and any reports required to be generated by the permit.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

14. *With Regard to the Placement of Fill at the Facility:*
- a. *Was any fill placed on the Facility during the initial development of the Facility by the Company, or at any time thereafter? If so, identify all areas of the Facility where fill was placed, the lateral extent of the fill and the depth of the fill, the purpose of the placement, the source of the fill, the amount of the fill in each area, and the identity of the contractors involved in work related to the fill. State whether the fill has ever been characterized, either before placement or thereafter and, if so, provide a copy of the sampling/characterization results.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *Were any portions of the Facility historically part of Newtown Creek or did the Facility formerly include any marshlands or wetlands associated with Newtown Creek. Please depict any such areas on a survey, drawing or schematic. Please provide your understanding of who filled any such wet areas, the approximate date of such fill, and the lateral extent and depth of such fill, the source of the fill, the composition of the fill and, if any sampling has ever been done of such filled areas, provide a copy of the*

sampling results.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

15. *Provide a copy of all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

16. *Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, drainage ditches, tanks, drums, container storage areas, etc.) on the Facility. For each such unit or area, provide the following information:*
- a. *a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *dated aerial photograph of the site showing each unit/area;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *the dates that the unit/area was in use;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *the purpose and past usage (e.g., storage, spill containment, etc.);*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. *the quantity and types of materials (hazardous substances and any other*

chemicals) located in each unit/area;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. *the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- h. *If the unit/area described above is no longer in use, explain how such unit/area was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

17. *Provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, or ditches discharging into Newtown Creek from the Facility:*

- a. *the location and nature of each sewer line, drain, or ditch;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *the date of construction of each sewer line, drain, or ditch;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *whether each sewer line, drain, or ditch drained any hazardous substance, waste, material or other process residue to Newtown Creek; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *provide any documentation regarding but not limited to the following on any and all outfalls to Newtown Creek which are located within the boundaries of the Facility. Your response should include, but not be limited to:*
- i. *whether the Facility is serviced by or otherwise drains or discharges to the outfalls and, if so, the source of the outfall;*
 - ii. *the identify of upland facilities serviced by the outfalls;*
 - iii. *the upland geographic area serviced by the outfalls; and*
 - iv. *the type of outfall (i.e., storm water or single or multiple facility outfall).*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

18. *Provide copies of any storm water or Facility drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any stormwater pollution prevention, maintenance plans, or spill plans developed for different operations during the Company's operation of the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

19. *Connections to New York City sewer system:*

- a. *State whether the Facility is connected to the New York City sewer and the date that the Facility was first connected;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *State whether the Facility has ever discharged liquid wastes other than through the New York City sewer system and, if so, provide details on such discharges;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *State whether the Facility participates in the New York City pretreatment program, whether the Company has ever been classified as a significant industrial user, whether the Company has ever been in violation of sewer use requirements or permits or received any notices of violation relating to*

use of the New York City sewer system;

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. Provide any information detailing the volume of liquids discharged to the sewers and the nature of the discharges including analytical data detailing the makeup of the discharged liquids;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. Provide copies of all permits and permit applications for Industrial Wastewater discharge permits;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. Provide copies of all notices of violations, correspondence, hearing transcripts and dispositions relating to the Company's use of the New York City sewer system;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to

amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. *Copy of Baseline Monitoring Reports submitted to NYC in connection with the Company's application for an industrial wastewater discharge permit;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- h. *Copies of all surveys, reports or analyses delineating or characterizing the company's liquid wastes;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- i. *Copies of all periodic monitoring reports for wastes discharged through the sewer system; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- j. *Copies of all invoices from NYC or the NYC Water Board for water and/or wastewater charges including any wastewater allowances.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

Section 4.0 Company's Operational Activities

20. *Describe the nature of your operations or business activities at the Facility. If the products or processes, operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased. Also, please provide the following:*
- a. *Separately identify and describe the waste management businesses conducted at each of the Facilities;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, see Response to RFI No. 3, above.

- b. *In addition to the waste management business, identify each other business activity for which the Facility has been used since its acquisition by the Company, including, without limitation, trucking, barging, truck to barge operations or other waste transfer, vehicle storage, repair, service or maintenance, warehousing, leasing or other;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, see Response to RFI No. 3, above.

- c. *Identify each industrial process employed at the Facility and the raw materials used and the wastes generated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, see Response to RFI No. 3, above.

- d. *Provide a schematic diagram or flow chart that fully describes and/or illustrates the Company's operations, from time to time, on the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *Provide a schematic diagram that indicates which part of the Company's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. *Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional

information becomes available.

- g. *Provide copies of any Material Safety Data Sheets (MSDSs) and Right-to-Know Notices for raw materials used in the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- h. *Provide copies of MSDSs for each product produced at the Facility; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- i. *Provide product literature and advertising materials for each Company product or service carried out at each Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 21. *Did the Company store or combust coal at the Facility during the time of its ownership or operation? If your answer is yes, please respond to the following requests for information for all periods of time that the company operated at or owned the Facility:*

- a. *Identify the purposes for such coal storage or combustion, including if used in energy production, the processes in which the energy was used at the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- b. State the means by which the shipments of coal were delivered to the Facility, whether by barge, rail, truck or other, and identify the shipper and the vendor. Describe how the coal was received at the Facility and transported to storage facilities;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- c. Identify the volume of coal received at the Facility, the type or types of coal (i.e. bituminous, anthracite, etc.) received and consumed on an annual basis during the period of the Company's ownership or operations, including changes over time;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- d. Describe the means of storage of coal at the Facility, including whether the Facility employed coal pockets or other storage areas, the dimensions and volume of such storage facilities, and whether such storage was indoors or outdoors and covered or uncovered. Identify on a Facility map or diagram the location of the coal storage facilities. Describe the means of transport of the coal from the storage facilities to the combustion point;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- e. Identify how the coal ash was managed including the location and storage facilities for the coal ash and whether it was stored indoors or outdoors, covered or uncovered, the means of conveying the ash to the on-site storage facilities, the location of the storage facilities, and, if sent for disposal, identify the disposal companies. State whether the ash was ever used at the Facility, whether as fill or for any other purpose, or if it was in any other manner disposed of at the Facility and, if so, describe the circumstances and identify the areas of disposal on a Facility map;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- f. State whether there were Company written manuals providing for coal purchase, storage, maintenance of storage facilities, transport, consumption, or ash management and, if so, provide a copy of such written materials; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

- g. State whether there were any permits associated with the coal receipt, storage, or consumption or ash management and, if so, provide a copy of*

such permits.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available. By way of further response, WMNY states that upon information and belief, no coal was stored or combusted at any Facility.

22. *Describe the receipt, storage and off shipment of chemicals, raw materials, intermediary product, and final product (including, without limitation petroleum) at the Facility. For each question, identify the time period covered by your response. Please provide a copy of Company manuals that over time were in effect describing these procedures.*

- a. *For receipt of materials, please identify:*
 - i. *all such materials (including, without limitation, petroleum) received, stored at or shipped from the Facility;*
 - ii. *its method of shipment to the facility (e.g., pipeline, barge, rail, tanker, truck, or other);*
 - iii. *testing, if any, upon receipt of such material, for quality, for conformity to specification, for contamination or otherwise; and*
 - iv. *treatment, if any, at the Facility of any material shipped to the facility, prior to storage in tanks at the facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *For metals and metal compounds (including but not limited to raw materials, scrap, byproducts, ash, wastewater and wastes containing metals or metal compounds but not including metals as components of structures or equipment): Identify any metals and metal compounds previously or currently used or otherwise present at the Facility; the purpose for each of them; any testing done on such materials; and the method and location of use, storage and other handling of such materials at the Facility. Identify all spills, emissions, discharges and releases of any such substances at or from the Facility since the time that your Company owned or operated the*

Facility. Please provide any MSDSs for each such substance.

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *For polychlorinated biphenyls ("PCBs"): Identify any PCBs previously or currently used or otherwise present at the Facility, including, but not limited to (i) PCBs in plasticizers, fire retardants, paints, water-proofing, railroad ties, heat stabilizing additives for adhesives, and other materials; (ii) PCBs in capacitors, transformers, vacuum pumps, hydraulic systems, and other devices; and (iii) PCBs in raw materials, wastes, wastewater, scrap, and byproducts. Identify the purpose for each of them; any PCB testing done on such materials; and the method and location of use, storage and other handling of PCBs at the Facility. Identify all spills, emissions, discharges and releases of any PCBs at or from the Facility since the time that your Company has owned the Facility. Please provide any MSDSs for PCBs at the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *Provide copies of any records, including Company manuals or written procedures that you have in your possession, custody or control relative to the activities described in this Question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

23. *Describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on the Facility. Provide the brand name of all pesticides or herbicides used.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

24. *For all periods of the Company's ownership or operation of the Facility, describe how wastes transported off the Facility for disposal or treatment were handled, stored, and/or treated prior to transport to the disposal facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

25. *Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:*

a. *the types of materials used to clean/maintain this equipment/machinery;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

b. *the monthly or annual quantity of each such material used;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

c. *the types of materials spilled in the Company's operations;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

d. *the materials used to clean up those spills;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

e. *the methods used to clean up those spills;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

f. *where the materials used to clean up those spills were disposed of;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to

amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. provide copies of Company manuals or procedures relating to cleaning of equipment and machinery and the Facility; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- h. provide copies of all records of such cleaning and maintenance including internal records and records from any outside vendor for such services.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 26. Describe all wastes disposed by the Company into drains at the Facility, including but not limited to:*

- a. the nature and chemical composition of each type of waste;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. the approximate quantity of those wastes disposed by month and year;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *the location to which these wastes drained (e.g. septic system or storage tank at the Facility, oil-water separator, pre- treatment plant, New York City sewer system); and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *whether and what pretreatment was provided.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

27. *Identify all oil/water separators at the Facility during the Company's ownership or operation including dates of installation, dates of replacement or major modification, purpose of installation and source of influent, location of discharge. Provide a copy of each permit and permit application, influent and effluent sampling results and copies of all submissions to federal, state, city or county environmental agencies or public health agencies relating to oil/water separators.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

28. *Identify each fixed above-ground storage tank and each fixed below-ground storage tank that is or was situated on the Facility during the Company's ownership or operation. For each tank, identify the date of installation, the dates and nature of major modifications, the dates and nature of spill detection equipment, the dates and nature of cathodic protection equipment, and description or drawings of tanks, identity of contents that have been stored in the tank both before (if known) or during the Company's ownership or operation, and the practices of cleaning at the time of any change in items stored, and the manner of ultimate disposal of wastes from the tank. Identify procedures for addressing spills from the tanks and identify all spills that have occurred during the Company's ownership of the Facility. Provide a copy of all permits relating to the tank and provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, addressing use and maintenance of such tanks.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

29. *Identify each pipeline serving the Facility that is or was situated on the Facility property (either above- or below- ground) during the Company's ownership or operation. For each pipeline, identify the owner and the operator for the pipeline and the owner or operator of the pipeline to which such segment is connected, and provide a copy of all permits relating to the pipeline on the Facility, the date of installation, all materials transported to the Facility through the pipeline, including crude petroleum or petroleum products, additives, other refining materials, batch separators, natural gas, manufactured gas, other fuel sources, chemicals and/or other materials. Describe pipeline cleaning processes and procedures for handling and disposal of wastes in the pipelines including mixed batches of materials in the pipeline. Identify procedures for addressing spills from the pipelines and identify all spills that have occurred during the Company's ownership of the Facility. Please provide a copy of all Company written manuals or procedures, including manuals that have been superseded by newer manuals or procedures, which address or regulated use and maintenance of such pipelines.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

Section 5.0 Regulatory Information

30. *Identify each federal, state and local authority that regulate or regulated environmental concerns relating to the ownership or operation at the Facility, the activity regulated, and the applicable federal, state and local statute or regulation from which such regulation was derived.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

31. *Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Facility related to environmental concerns. Provide copies of all documents associated with each occurrence described.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

32. *Provide a list of all local, state, and federal environmental permits which have been applied for or issued to the Company with respect to the Facility for any media, e.g., water (including SPDES and NPDES, NYC sewer permit, Industrial Pretreatment Program permit or any other wastewater discharge related governmental authorization or notice), excavation and fill in navigable waters, dredging, tidal wetlands, air, solid waste or hazardous waste, bulk storage, industrial wastewater, etc. under any environmental statute or regulation. Provide a copy of each federal and state permit, the applications for each permit.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information that is publicly available and/or outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

33. *Has the Company or any affiliate, contractor, or agent associated with the Company or an affiliate, or any individual associated with any of the foregoing ever been accused of any criminal violation in connection with any operation at the Facility. If so, describe the disposition of such accusation and provide details on such accusation.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

34. *Was a Notification of Hazardous Waste Activity ever filed with EPA or New York State for any activity at the Facility during the period that the Company or any affiliate owned or operated at the Facility. If so, provide a copy of such notification and the response given by EPA or New York State including the RCRA identification number assigned.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

35. *Did the Company or any affiliate ever have "interim status" under RCRA at the Facility? If so, and the Facility does not currently have interim status; describe the circumstances under which the Facility lost interim status.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

36. *Identify all state or city offices to which the Company has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

37. *Has the Company or the Company's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the New York State Department of Environmental Conservation or New York City Department of Environmental Protection or any other state or city agency concerning an incident, accident, spill, release, or other event involving the Facility or involving Newtown Creek? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between the Company or its agents and NYSDEC, NYCDEP, NYSDOH, NYCDOH or any other state or city agency.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

Section 6.0 Facility Releases, Investigations and Remediation

38. *Identify all leaks, spills, or releases into the environment of any waste, including hazardous substances, pollutants or contaminants, industrial waste or petroleum that have occurred at or from the Facility. In addition, identify and provide copies of any documents regarding:*
- a. *the date of each releases;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *how the releases occurred, e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *the identity of the material released and the amount of each released;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *where such releases occurred;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *activities undertaken in response to each such release or threatened release,*

including the notification of any agencies or governmental units about the release and the remediation and the regulatory disposition concerning such release; and

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. identify all fires, explosions or other similar events that have occurred at the Facility during the Company's ownership or operation that required response either by a Facility employee or a New York City responder or that was the subject of a subsequent investigation by a New York City agency. Identify the location on a Facility map where each of the events occurred and identify the items that were combusted in whole or part, including, without limitation, hazardous substances, pollutants or contaminants, industrial waste or petroleum. Provide a copy of all reports of the event, whether such reports are the Company's private reports or are public reports in the Company's possession.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 39. Was there ever a spill, leak, release or discharge of waste, or process residue, including hazardous substances, pollutants, contaminants, industrial waste, or petroleum into any subsurface disposal system or floor drain inside or under a building on the Facility? If the answer to the preceding question is anything but an unqualified "no", provide details of each event and any communication with any federal, state or city regulatory body.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to

amend and/or supplement this response as its investigation continues and as additional information becomes available.

40. *Has any contaminated soil ever been excavated or removed from the Facility? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:*

a. *Reason for soil excavation;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

b. *location of excavation presented on a map or aerial photograph;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

c. *manner and place of disposal and/or storage of excavated soil;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

d. *dates of soil excavation and amount of soil excavated;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. all analyses or tests and results of analyses of the soil that was removed from the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- f. all confirmatory analyses or tests and results of analyses of the excavated area after the soil was excavated and removed from the area; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- g. all persons, including contractors, with information about (a) through (f) of this question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- 41. Have you treated, pumped, or taken any kind of response action on groundwater under the Facility? Unless the answer to the preceding question is anything*

besides an unequivocal "no", identify and provide copies of any documents regarding:

- a. reason for groundwater action;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. whether the groundwater contains or contained hazardous substances, pollutants, contaminants, industrial waste, or petroleum, what the constituents are or were which the groundwater contained, and why the groundwater contained such constituents;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. all analyses or tests and results of analyses of the groundwater;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the

scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *all persons, including contractors, with information about (a) through (d) of this question.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

42. *Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into Newtown Creek from any equipment, structure, or activity occurring on, over, or adjacent to the Creek? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:*

- a. *the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- b. *the dates of each such occurrence;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- c. *the amount and location of such release;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *whether sheens were created on the Creek by the release; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being vague, overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- e. *whether there ever was a need to remove or dredge any solid waste, bulk product, or other material from the Creek as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

43. *Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, hydrology, or air quality on or about the Facility. Provide copies of all data, reports, and other documents that were generated by the Company or any contractor or consultant, or by a federal or state regulatory agency related to the investigations that are described.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY

specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

44. *Describe any remediation or response actions that you or your agents or consultants have ever taken or are currently taking at the Facility, either voluntarily or as required by any state, local or federal entity. If not otherwise already provided under this Information Request, provide copies of all enforcement agreements with regulatory agencies pursuant to which such response actions were undertaken as well as all reports of investigations or cleanup activities on the Facility.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

45. *State whether you are planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Facility? If so, identify: the purpose, nature, and scope of such investigations and the dates when you plan to undertake such investigations.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

46. *Provide a copy of all environmental investigation reports of the Facility including investigations undertaken at the times of acquisition and transfers of the Facility by the Company.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and

information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

Section 7.0 Compliance with this Request and Financial Information

47. *Persons and Sources Consulted in Your Response: Identify all persons, other than counsel, that the Company consulted, and all sources that the Company reviewed in responding to this request, including, but not limited to:*
- a. *the names of persons consulted, the contact information for such person, and if the person is a current or former employee, the job title and responsibilities for such persons and the dates of employment, and identify which questions the person was consulted about; and*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad. Subject to and without waiving its Objections, WMNY states that the persons listed below were consulted in responding to the RFI:

Jay A. Kaplan
East Group Director Environmental Protection
Waste Management
123 Varick Avenue
Brooklyn, NY 11237

Debra Kopsky
Paralegal – Health, Safety & Environment
Waste Management
720 E. Butterfield Road
Lombard, IL 60148

Deborah Nendick
Senior Manager – Real Estate
Waste Management
720 E. Butterfield Road
Lombard, IL 60148

Molly Escalante, Paralegal
Waste Management
1001 Fannin Street
Houston, TX 77002

Karen L. Osilka, Senior Paralegal
Waste Management – Eastern Group Law Department
100 Brandywine Blvd., 3rd Floor
Newtown, PA 18940

b. a description and the location of where all sources reviewed are currently located, and the questions to which such sources relate.

RESPONSE:

WMNY incorporates by reference its General Objections. Subject to and without waiving its Objections, WMNY states that the locations of sources reviewed in preparation of this response included but are not limited to: 123 Varick Avenue, Brooklyn, NY; 1001 Fannin Street, Houston, TX; 100 Brandywine Blvd, 3rd Floor, Newtown, PA; and 720 E. Butterfield Road, Lombard, IL. WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

48. *Identify all individuals who currently have and those who have had responsibility for the Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's wastes). Also provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the Company's waste management.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

49. *Financial Information: Provide a copy of the Company's certified annual financial statements for each of the most recent three years.*

RESPONSE:

WMNY incorporates by reference its General Objections. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

50. *Insurance and Indemnification:*

- a. *Provide a schedule of liability insurance policies that provided coverage for the Company with respect to the Facility. Please list all policies from the Company's initial ownership or initial operation of the Facility to the current date, showing the insured, insurer, broker or agent from whom you procured such insurance (if any), policy number, effective dates of the policy, and liability limits. Provide a copy of the Declaration Page for each such insurance policy. For any insurance policy that the Company no longer has in its possession, provide a copy of relevant records tending to show the existence of such policy;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control.

- b. *Provide a schedule of casualty insurance policies since the time of initial ownership or operation of the Facility, with the same information called for in the previous subparagraph that may provide coverage for cleanup of the Facility;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control.

- c. *Has the Company made claims under any policy in connection with environmental liability or environmental casualty in connection with the Facility? If the Company has ever made such a claim, provide a copy of all notices and correspondence in connection with such claim, and state the disposition of such claim;*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- d. *Identify each entity that may have a duty to indemnify the Company for any potential liability in connection with the Facility or the Site, identify the*

circumstances giving rise to the indemnity, and provide a copy of any document that reflects a requirement to indemnify the Company; and

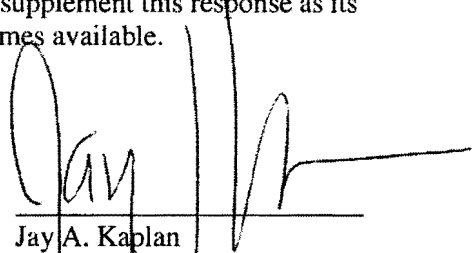
RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.

- a. *Identify each entity that the Company has agreed to indemnify for any potential liability in connection with the Facility or the Site, identify the circumstances giving rise to the indemnity and provide a copy of any document that reflects a requirement to indemnify by the Company.*

RESPONSE:

WMNY incorporates by reference its General Objections. Additionally, WMNY specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. § 9604(e), and as seeking business confidential information and information outside its possession, custody, and control. Subject to and without waiving its Objections, WMNY reserves the right to amend and/or supplement this response as its investigation continues and as additional information becomes available.



Jay A. Kaplan
Waste Management
East Group Director
Environmental Protection